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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,980	12/06/2001	Thomas H. Baum	260-CIP-DIV	5984
25559	7590	10/28/2003		
ATMI, INC. 7 COMMERCE DRIVE DANBURY, CT 06810				
EXAMINER TALBOT, BRIAN K				
ART UNIT 1762				
PAPER NUMBER				

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

1. The amendment filed 8/11/03 has been considered and entered. Claims 27-29 and 32 have been canceled. Claims 1-26 remain in the application.
2. In light of the amendment filed 8/11/03, the objection to the specification and the 35 USC 112 first paragraph rejection have been withdrawn.

Claim Rejections - 35 USC § 103

3. Claims 1-4,7,8,13-22,25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirlin et al. (5,840,897), Vaartstra (5,763,633) or Baum et al. (5,096,737).

Kirlin et al. (5,840,897), Vaartstra (5,763,633) or Baum et al. (5,096,737) all teach composition including metal complex source reagents having ligand complexes for manufacturing iridium coatings for producing microelectronic devices such as DRAM or FRAM capacitors. A chemical vapor deposition process is utilized in an oxygen atmosphere and the metal complex is decomposed to form the metal coating.

Allowable Subject Matter

4. Claims 5,6,9-12,23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Allowance

5. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach the specific compositions detailed in the noted claims.

Response to Amendment

6. Applicant's arguments filed 8/11/03 have been fully considered but they are not persuasive.

Applicant argued that the prior art fails to teach forming an iridium containing film on a substrate in an oxidizing ambient atmosphere in a single step.

Firstly, Applicant's arguments are not commensurate in scope with the instant claims. The claims do not, as argued, require depositing and decomposition in a single step. Secondly, assuming the claims were to positively recite such a limitation, it is the Examiner's position that one skilled in the art at the time the invention was made would have had a reasonable expectation of achieving similar success regardless of whether or not the process was performed in a single or multiple steps. If applicant were to provide a showing of unexpected results regarding the criticality of a "single step" and claims were commensurate in scope with the showing, the Examiner would reconsider his position.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Talbot whose telephone number is (703) 305-3775. The examiner can normally be reached on Monday-Friday 6AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3775.

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A handwritten signature in black ink, appearing to read "B. K. Talbot", with a long, sweeping horizontal stroke extending to the right.

Brian K Talbot
Primary Examiner
Art Unit 1762

BKT

October 21, 2003